

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**LORI ANDREWS and
JEREMY ANDREWS, her husband,**

and

CRYSTAL ROSETTA,

Plaintiffs,

vs.

**Civil Action No.: 5:06CV112
(Chief Judge Keeley)**

UNITED PARCEL SERVICE, INC.,

and

JEFFREY W. LITTLE,

Defendants.

ORDER

On the July 5, 2007, Defendants filed a Motion to Compel Rule 35 Examinations [Docket Entry 43]. On July, 18 2007, Plaintiffs filed their Response in Opposition to Defendants' Motion to Compel Rule 35 Examinations [Docket Entry 46]. On July 20, 2007, the Court set the motion to compel for telephonic hearing for Thursday, July 26, 2007 [Docket Entry 48]. Defendants United Parcel Service, Inc., and Jeffrey W. Little's Reply Brief in Support of Their Motion to Compel Rule 35 Examination was filed on July 25, 2007 [Docket Entry 49].

On July 26, 2007, Defendant filed a Motion for Leave to Withdraw Motion to Compel Independent Medical Examination, asserting therein that Plaintiffs' counsels has agreed that Plaintiffs will attend the previously scheduled IME [Docket Entry 50].

Upon consideration of all which, the Court, hereby, **GRANTS** Defendants' Motion to Leave

to Withdraw Motion to Compel Independent Medical Examination [Docket Entry 50] and **ORDERS** that Defendants' Motion to Compel Rule 35 Examinations [Docket Entry 43] be **DENIED**, as moot.

The Clerk is directed to provide a copy of this Order to counsel of record.

DATED: July 26, 2007.


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE